THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9705 of 2007

Dated: 01-05-2007

Between:

Mustur Manohar Narayanamma.

..... PETITIONER

AND

The District Collector, Nellore, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9705 of 2007

ORDER:

The petitioner is allegedly owner of premises bearing door No.12-55 situated at Railway Station Road, Guduru, Nellore District. Third respondent, the Mandal Revenue Officer (MRO), initiated action and issued notice under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 (the Act, for brevity). Assailing the same, he filed W.P.No.1736 of 2007. This Court on 01.02.2007 disposed of said writ petition setting aside the notice issued under Section 7 of the Act on the ground that it is vague and not in accordance with BSO 26 of the Andhra Pradesh Board Standing Orders and gave liberty to MRO to issue proper notice. Thereafter notice was issued to the petitioner on 16.02.2007. The petitioner also submitted explanation. The enquiry is still pending. It appears that in her explanation the

petitioner sought for survey of the land denying the allegation that she is the encroacher of the Government land. Even while the same is pending, it was reported in 'Andhra Jyothi' Telugu daily newspaper dated 28.04.2007 that the officials are taking necessary action for removal of the encroachment. Apprehending that without passing orders under Section 6 of the Act, MRO might dispossess her, the petitioner filed instant writ petition.

After perusing the affidavit and the material papers annexed to the writ petition, this Court is convinced that MRO is following due process of Law and the writ petition is filed on mere apprehension without proper cause of action. The learned Assistant Government Pleader for Revenue (General-A) submits that orders under Section 6 are already passed. If that be so, it shall be open to the petitioner to file an appeal before the Revenue Divisional Officer concerned under Section 10 of the Act.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

01st May, 2007
ghn